

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-9 are all the claims pending in the application. Applicant submits the pending claims define patentable subject matter.

Preliminary Matters

Again, Applicant notes the Examiner has not indicated that the certified copy of the priority document, submitted February 23, 2004, has been received by the Patent Office. Applicant therefore again requests the Examiner make such indication in the next official communication.

Claim Rejections - 35 USC § 102

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagarajan et al. (US Pub. 2004/0062248; hereinafter "Nagarajan"). Applicant respectfully traverses this rejection.

In the Amendment filed November 29, 2007, Applicant argued that Nagarajan fails to teach or suggest the claimed feature, "updating sequence numbers stored in the sliding window by adding a size of the sliding window or predetermined amount to each of the sequence numbers if the sliding window is full of IP packets." In response to this argument, the Examiner states:

Paragraph [0033] (lines 1-4) clearly shows that updating sequence number (i.e. sequence number of next packet is 9) by adding a size of the sliding window (i.e. sliding window would extend from 9 to 19 since the size is 10, so that once packets of 9 is full, sequence of

10-19 will be allocated for subsequent packets). It is also shown that sequence number (Figure 2, lines 5-6) is being updated (Figure 2, lines 19-20) by adding the sequence number [counter that keeping track of sequence number] with window size. In addition, sequence numbers are inserted into data field for however length (¶ [0025], lines 1-3) where the set of acceptable sequence numbers is updated included the sliding window size accordingly (¶ [0027] 8-9).

Otherwise, the Examiner simply repeats the previous grounds of rejection, as asserted in the previous Office Action.

However, Applicant points out that paragraph [0033] simply describes a “Nominal Processing” case, whereby if the sequence number is 9, the current sliding window extends from 9 to 10 (since the window size is 10). Paragraph [0033] also states:

[u]nder nominal operating conditions (i.e., no lost packets), the next packet received via the faster path will have a sequence number of `rec_seq_no=9`, while the next packet received via the slower path will have a sequence number of `rec_seq_no=3`.

In other words, under “nominal conditions,” the sequence number would be either 9 or 3, depending on the path. Moreover, paragraph [0033] of Nagarajan discloses “the packet is rejected if `rec_seq_no` is outside of the sliding window defined by ‘`select_counter+window_sz`’, and the packet is accepted if `rec_seq_no` is inside of the sliding window defined by ‘`select_counter+window_sz`.’”¹ Therefore, Applicant submits that Nagarajan does not teach or

¹ See also Nagarajan, FIG. 2.

suggest that the sequence numbers would be updated by adding a size of the sliding window to each of the sequence numbers if the sliding window is full of IP packets, as claimed.

Accordingly, Applicant submits independent claim 1 is patentable over Nagarajan for at least these reasons. Similarly, Applicant submits independent claims 2, 7 and 9 are patentable for analogous reasons. Further, Applicant submits that dependent claims 3-6 and 8 are patentable, at least by virtue of their respective dependency on the independent claims.

Further, regarding dependent claim 3, the claim recites, in part:

wherein in (a), leftmost and rightmost values of the sliding window are set to 0 and 1, respectively, and the size of the sliding window is set to n.

The Examiner asserts that Nagarajan teaches all of the above-noted features of the claim. Specifically, in support of his position, the Examiner cites paragraph [0025], lines 1-17. However, Applicant submits that the Examiner's reliance on Nagarajan is misplaced.

In particular, Applicant notes that nothing in paragraph [0025] describes setting specific values for the leftmost and rightmost portions of the sliding window. Moreover, nothing in the cited portion mentions setting the leftmost and rightmost values of the sliding window to 0 and 1, respectively. Indeed, Nagarajan is completely silent in this regard. Therefore, Nagarajan fails to teach or suggest all of the features of dependent claim 3. Applicant submits that Nagarajan is deficient for analogous reasons with respect to claim 4 (by virtue of its dependency on claim 3), claim 5, claim 6 (by virtue of its dependency on claim 4). As such, in addition to the reasons stated above regarding their dependency on the independent claims, Applicant submits that claims 3-6 are also patentable for these reasons.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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